

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEN & JERRY’S HOMEMADE,
INC, et al.,

Plaintiffs,

24-cv-8641 (PKC)

-against-

SCHEDULING ORDER

UNILEVER PLC and
CONOPCO, INC.,

Defendants.

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CASTEL, District Judge:

WHEREAS defendants had expressed an intent to move to dismiss the complaint on the basis set forth in a pre-motion letter (ECF 28);

WHEREAS plaintiff expressed a desire to amend its complaint in response to the pre-motion letter (ECF 29);

WHEREAS plaintiff was granted leave to file an amended complaint (ECF 30);

WHEREAS the original plaintiff Ben & Jerry’s Homemade, Inc. and unnamed “Class I Directors of Ben & Jerry’s Independent Board” (collectively, “plaintiffs”) filed a First Amended Complaint on January 27, 2025. (ECF 32);

WHEREAS defendants have filed a pre-motion letter seeking to file a motion to dismiss the First Amended Complaint (ECF 23);

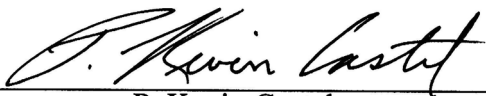
-2-

WHEREAS plaintiffs have responded to the pre-motion letter without stating whether they further wish to amend, despite a requirement that they do so (ECF 35); see Individual Practices at ¶ 3(A)(iv) & (v);

NOW, therefore, the following is ORDERED:

1. Defendants may file their motion to dismiss by March 19, 2025. Plaintiffs shall respond to the motion by April 21, 2025. Any reply by defendants shall be filed by May 16, 2025.
2. Rule 16(b)(3)(A) provides that a Court's "scheduling order must limit the time to . . . amend the pleadings. . . ." Pursuant to that authority, the Court hereby limits the time to amend the complaint or join 21 days from the filing of the motion to dismiss.
3. Discovery is stayed.
4. The February 27, 2025 conference is VACATED.
5. The Letter Motion (ECF 33) is GRANTED to the extent indicated herein.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
February 19, 2025